

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK, MANHATTAN DIVISION

Case number (if known) _____ Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Art Capital Bermuda Ltd.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 46-5395261

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>1115 Broadway</u>	
	<u>New York, NY 10010-3450</u>	
	Number, Street, City, State & ZIP Code	P.O. Box, Number, Street, City, State & ZIP Code
	<u>New York</u>	Location of principal assets, if different from principal place of business
	County	
		Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor Art Capital Bermuda Ltd.
Name

Case number (if known) _____

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☒ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.

See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

52298

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor Art Capital Bermuda Ltd.
Name

Case number (if known) _____

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

☐ Funds will be available for distribution to unsecured creditors.

☒ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor Art Capital Bermuda Ltd.
Name

Case number (if known) _____

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 8, 2020
MM / DD / YYYY

X /s/ Ian S. Peck
Signature of authorized representative of debtor

Ian S. Peck
Printed name

Title Authorized Signatory

18. Signature of attorney

X /s/ Kevin J. Nash
Signature of attorney for debtor

Date October 8, 2020
MM / DD / YYYY

Kevin J. Nash
Printed name

Goldberg Weprin Finkel Goldstein LLP
Firm name

1501 Broadway 22nd Floor
New York, NY 10036
Number, Street, City, State & ZIP Code

Contact phone (212) 221-5700 Email address knash@gwfglaw.com

Kevin J. Nash
Bar number and State

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

ART CAPITAL BERMUDA LTD.,

Case No.

Debtor.
-----X

DEBTORS' DECLARATION
PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2

Ian S. Peck declares the following under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am the Director of Flight 19 LLC which is currently the majority member/manager of Art Capital Bermuda Ltd. ("ACB") and Bluefin Servicing Ltd. ("BlueFin") (collectively the "Debtors"), both of which are incorporated under the laws of Bermuda and maintain offices in New York City at 1115 Broadway, New York, NY 10010. As such, I have the requisite knowledge of the Debtors' respective financial and legal affairs to make this Declaration on the Debtors' behalf.

2. This Declaration is submitted in support of the Debtors' Chapter 11 filing pursuant to Local Rule 1007-2 to assist the Court, creditors and other parties-in-interest in understanding the circumstances necessitating the filing of the Chapter 11 petition, the Debtors' debt and capital structure, and the Debtors' plans to emerge from bankruptcy.

Lead-Up to the Chapter 11 Filings

3. The Debtors are finance/lending companies established in Bermuda in 2014, focusing on off-shore secured loan opportunities, mainly involving the financing of fine art by collectors, brokers and dealers. ACB is a lending company and BlueFin is a servicing company, which have potential of generating significant revenue if issues involving prior

participating lenders primarily [The Bank of N.T. Butterfield & Son Limited "Butterfield")] can be resolved or at least compartmentalized as part of the Chapter 11 cases.

4. Early on, ACB was able to originate over \$100 million in loan opportunities during the first three (3) years of operations, but was only able to actually close on three (3) loans totaling \$7.6 million after litigation ensued with Butterfield and the junior participant over disputes under the respective participation agreements. First, Butterfield wrongly attempted to inject itself into the servicing of the initial loans and then improperly rejected the Debtors' efforts to compel a buy-out of Butterfield's majority participation interest despite a prior tender, which has caused significant damages and brought the business of the Debtors to a standstill. Litigation is currently pending between Debtors and Butterfield in the Supreme Court, New York County. There is also litigation with a disputed alleged junior participant, Lantern Endowment Partners, LP which lacks privity with the Debtors, pending in the Supreme Court, New York County as well.

5. The Debtors depend on capital provided by investors and institutional lenders. Unfortunately, the Debtors cannot proceed with new potential investments while the litigations are pending since they create a contingent liability making it impractical to secure new capital. Fundamentally, business opportunities exist for the Debtors' future off-shore lending and I have extensive experience in the art world which can be utilized for the Debtors' benefit. Indeed, the Debtors are anxious to resurrect their businesses and view Chapter 11 as a proper forum to address the claims of the prior participants while restructuring and seeking new loan opportunities.

6. Currently, the Debtors' primary asset consists of a confession of judgment executed by Dominique Pinault and Artemis Hedge Fund Inc. in the sum of \$1,370,240, which is

secured by a sculpture by Alexander Calder which is under the Debtors' possession and control and stored at Day & Meyer in New York City. The Debtors believe that this artwork has value and can be used to obtain DIP financing to restart the Debtors' businesses. Once the business again becomes viable, the Debtors will be in a position to deal with the disputed loan participants following a reconciliation of all claims and counterclaims for damages.

Local Rule 1007-2 Disclosures

7. Pursuant to Local Rule 1007-2(a)(3), no committees were formed prior to the filing of the Debtors' Chapter 11 Petition.

8. Pursuant to Local Rule 1007-4(a)(4), a list of all of the Debtors' creditors is attached hereto.

9. Pursuant to Local Rule 1007-4(a)(5), the disputed participants hold unsecured claims and the Debtors have no secured creditors.

10. Pursuant to Local Rule 1007-4(a)(6), the Debtors' assets and liabilities will be set forth in formal bankruptcy schedules to be filed concurrently or within fifteen (15) days of the date hereof.

11. Pursuant to Local Rule 1007-4(a)(7), the membership interest in the Debtor is not publicly traded, and is held by Flight 19 LLC as listed in the schedule of equity holders filed herewith.

12. Pursuant to Local Rule 1007-4(a)(8), none of the Debtors' assets are in the possession or custody of any custodian, public officer, mortgagee, pledge, assignee of rents or secured creditor.

13. Pursuant to Local Rule 1007-4(a)(9), the Debtors maintain offices at 1115 Broadway, New York, New York 10010, pursuant to a month-to-month tenancy.

14. Pursuant to Local Rule 1007-4(a)(10), the Debtors' books and records are located at its offices at in New York City.

15. Pursuant to Local Rule 1007-4(a)(11), a list of all pending lawsuits is filed herewith.

16. Pursuant to Local Rule 1007-4(a)(12), I served as the Manager of the Debtors without compensation. I also intend to engage a chief restructuring officer to supervise day-to-day operations.

17. Pursuant to Local Rule 1007-4(b)(1), the Debtor has no current employees.

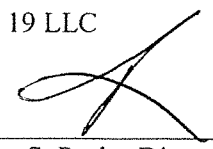
18. Pursuant to Local Rule 1007-4(b)(2) and (3), the Debtor anticipates incurring certain disbursements in the next 30 days in order to relaunch the businesses, pursuant to a budget to be filed with the Bankruptcy Court.

Dated: New York, New York
October 8, 2020

ART CAPITAL BERMUDA LTD.

By: FLIGHT 19 LLC

By:



Ian S. Peck - Director

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

ART CAPITAL BERMUDA LTD.,

Case No.

Debtor.
-----X

COMPANY RESOLUTIONS

A special meeting of the sole Member of Art Capital Bermuda Ltd. (the "Company") having been held on October 8, 2020, and upon motion duly made and carried, the following resolutions were unanimously adopted:

RESOLVED, that the Company is authorized to file a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Southern District of New York; and it is further

RESOLVED, Ian Peck is appointed as the Company's representative and is authorized to act on behalf of the Company to (a) execute the Chapter 11 petition and all other accompanying documents, and cause the same to be filed with the Bankruptcy Court; and (b) cause to be filed all schedules, statements, lists, motions, applications and other papers or documents necessary or desirable to prosecute the Chapter 11 case; and it is further

RESOLVED, that the Company is authorized to retain the law firm of Goldberg Weprin Finkel Goldstein LLP as counsel in the Chapter 11 case under a general retainer.

Dated: New York, New York
October 8, 2020

ART CAPITAL BERMUDA LTD.

By: FLIGHT 19 LLC

By:



Ian S. Peck - Director

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

ART CAPITAL BERMUDA LTD.,

Case No.

Debtor.

-----X


LIST OF EQUITY HOLDERS

Flight 19 LLC	Majority Member
Nicholas J. Hoskins	One Share
Patricia Colmet	One Share

Dated: New York, New York
October 8, 2020

ART CAPITAL BERMUDA LTD.

By: FLIGHT 19 LLC

By: 

Ian S. Peck - Director

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

ART CAPITAL BERMUDA LTD.

Case No.

Debtor.
-----X

LIST OF LAWSUITS

1. Peter M. Levine, Plaintiff v. Ian S. Peck, Defendant
Index No. 55717/2020
Supreme Court of the State of NY
County of Westchester

Peter M. Levine, Plaintiff *pro se*
444 Madison Avenue, Suite 410
New York, NY 10022
2. Art Capital Bermuda Ltd., Bluefin Servicing Ltd. and Modern Art Services, LLC and Ian S. Peck, Plaintiffs v. The Bank of N.T. Butterfield & Son Limited, Defendant
Index No. 650082/2017
Supreme Court of the State of NY
County of New York

Tarter Krinsky & Drogin LLP
Attorneys for Defendant
The Bank of N.T. Butterfield & Son Limited
Charles M. Miller
Joel H. Rosner
1350 Broadway
New York, NY 10018

Peter M. Levine
Attorney for Plaintiffs
444 Madison Avenue, Suite 410
New York, NY 10022
3. Jones Law Firm, P.C., Plaintiff v. Ian Peck, Patriot Credit Company, LLC, Bluefin Capital Partners, LLC, Modern Art Services, LLC, and Bluefin Servicing LTD, Defendants
Index No. 651700/2020
Supreme Court of the State of New York
County of New York

David Treyster, Esq.
Hudson Law Group, P.C.
Attorneys for Plaintiff
745 Fifth Avenue
Suite 500
New York, NY 10151

4. Lantern Endowment Partners, LP, Plaintiffs v. Bluefin Servicing Ltd., Patriot Credit Company, LLC, Modern Art Services, LLC, and Ian S. Peck, Defendants
Index No. 654002/2019
Supreme Court of the State of NY
County of New York

Berlandi Nussbaum & Reitzas LLP
Jamie J. Spannhake
Attorneys for Plaintiff
125 Park Avenue, 25th Floor
New York, NY 10017

5. Peter M. Levine, Plaintiff v. Art Capital Bermuda Ltd., Bluefin Servicing Ltd., Modern Art Services, LLC, Ian S. Peck, Patriot Credit Company, LLC, and Bluefin Capital Partners, LLC, Defendants
Index No. 655407/2019
Supreme Court of the State of NY
County of New York

Peter M. Levine, Plaintiff *pro se*
444 Madison Avenue, Suite 410
New York, NY 10022

Dated: New York, New York
October 8, 2020

ART CAPITAL BERMUDA LTD.

By: FLIGHT 19 LLC

By:



Ian S. Peck - Director

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

ART CAPITAL BERMUDA LTD.,

Case No.

Debtor.

-----X

BANKRUPTCY RULE 7007.1 CORPORATE OWNERSHIP STATEMENT

Pursuant to Bankruptcy Rule 7007.1, Art Capital Bermuda Ltd. certifies that it is a private non-governmental party, and has no corporate parent, affiliates and/or subsidiaries which are publicly held.

Dated: New York, New York
October 8, 2020

ART CAPITAL BERMUDA LTD.

By: FLIGHT 19 LLC

By:



Ian S. Peck - Director

United States Bankruptcy Court
Southern District of New York, Manhattan Division

IN RE:

Case No. _____

Art Capital Bermuda Ltd.

Chapter 11

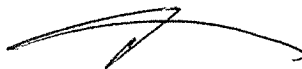
Debtor(s)

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) hereby verify(ies) that the attached matrix listing creditors is true to the best of my(our) knowledge.

Date: October 8, 2020

Signature: _____



Ian S. Peck, Authorized Signatory

Debtor

Date: _____

Signature: _____

Joint Debtor, if any

Apex Law Group
65 Court Street
Hamilton
HM12, Bermuda

Bermuda Ministry of Finance
30 Parliament Street
Hamilton
HM12, Bermuda

Ian S. Peck
1115 Broadway
New York, NY 10010-3450

Jones Law Firm P.C.
c/o Hudson Law Group, P.C.
745 5th Ave Ste 500
New York, NY 10151-0099

Lantern Endowment Partners LP
c/o Berlandi Nussbaum & Reitzas
Attn: Jamie J. Spannhake, Esq.
125 Park Ave Fl 25
New York, NY 10017-5550

Peter M. Levine, Esq.
444 Madison Ave Ste 410
New York, NY 10022-6903

The Bank of N.T. Butterfield & Son Ltd.
Tarter Krinsky & Drogin LLP
1350 Broadway
New York, NY 10018-7702